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October 23, 2013

**BY ECF AND HAND DELIVERY**

Honorable William H. Pauley III  
United States District Court Judge  
United States Courthouse  
500 Pearl Street, Room 2210  
New York, New York 10007-1312

Re: *In Re: Crude Oil Commodity Futures Litigation*, 11 Civ. 3600 (WHP)

Dear Judge Pauley:

Plaintiffs respectfully object to the proposal by Defendants to include in their papers in opposition to Plaintiffs' motion to certify this action as a class action, materials and information which Plaintiffs have requested to be produced in this litigation but have not been produced.

Plaintiffs could and will attempt to deconstruct the logic of whatever portion of information is disclosed by Defendants, if Defendants are permitted to do so. As Plaintiffs have previously argued, inquiry notice for purposes of the statute of limitations is an objective class wide issue. *See* Plaintiffs' Letter to Your Honor dated October 14, 2013 (Dkt. No. 156). Plaintiffs will continue to make this argument as well as any other appropriate responses to the information if Defendants are permitted to submit same.

Still, Defendants should be prohibited from using these materials not only because Plaintiffs do not have them but such use may violate the spirit or letter of the instructions that Your Honor made during the July 1, 2013 hearing to Defendants concerning the documents to which non-parties had objected. Plaintiffs have no objection to the following: after the materials from Plains Company or any other non-party have been produced to Plaintiffs and Plaintiffs have had an opportunity to respond through discovery or otherwise, Defendants may supplement their opposition to class certification by using any of the presently-unproduced materials they wish. Plaintiffs should then be allowed to supplement their reply papers on class certification. Thank you very much.

Respectfully submitted,

/s/ Christopher Lovell  
Christopher Lovell

cc: Counsel of Record (by ECF)